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THE LAW  
REGULATING THE  
PRACTICE OF MEDICINE  
IN THE  
State of Mississippi.



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Chapter 110, Annotated Code, 1906  
And Amendments, 1912.

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## Chapter 110, Annotated Code, 1906

### And Amendments, 1912

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**3681 (3243). Duty to Obtain License.**—Every person who desires to practice medicine must first obtain a license to do so from the State Board of Health; but this section shall not apply to physicians now holding permanent license, the same having been recorded as required by law. (For penalty, see section 1334: If any person shall practice as a physician or surgeon, without having first been examined and obtained a license as required by law, he shall, on conviction, be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned in the county jail not exceeding thirty days.)

**3682 (3244). How License Obtained.**—Every person who desires to obtain a license to practice medicine must apply therefor, in writing, to the State Board of Health, at least ten days before the date of examination, and must be examined by said Board touching his learning on the following branches of medicine, viz.: Anatomy, Chemistry, Obstetrics, Materia Medica, Physiology, Pathology, Surgery and Hygiene, and if the applicant be found by the Board, upon examination, to possess sufficient learning in said branches and to be of good moral character, the Board shall at once issue him a license to practice medicine, which shall be signed by all the members of the Board present at said meeting; provided, that no applicant shall be granted a license unless said applicant shall hold a diploma from a reputable medical college that requires a four year's course of at least thirty-two weeks for each session.

**3683 (3245). Application for license; what to contain.**—The applicant for license must state: (1) The applicant's name in full; (2) his place of residence and post-office address; (3) his nativity and age; (4) the time spent by him in medical studies; (5) the name and post-office address of the preceptor under whom medical studies were pursued; (6) course of medical lectures attended; (7) name of medical school attend-



ed; (8) if a graduate of a medical college, name thereof; (9) time spent in a hospital; (10) time spent in the practice of medicine, if any; (11) school or system of practice chosen, and (12) references as to his personal character.

**3684 (3246). Examinations; when, where, and how conducted (Laws 1898, ch. 79).**—The State Board of Health shall meet at the capitol twice in each year, at such times as may be designated by the Board, for the purpose of examining applicants for license to practice medicine, and shall continue in session until all applicants are examined and the examinations approved or disapproved. All examinations as to applicant's learning shall be upon written questions and answers, and the distinctions shall not be made between applicants because of the different systems of schools of practice that may be chosen.

**3685 (3247). Fees for examination.**—Every person who shall apply for license to practice medicine shall, before he will be entitled to be examined, pay a fee of ten dollars and twenty-five cents; of which ten dollars are to be divided equally between those members of the Board who attend and conduct the examination of the applicant, and twenty-five cents to be paid to the Secretary of the Board for filing and preserving the application for license.

**3686 (3248). Form of license.**—A license to practice medicine may be of such form as the State Board of Health may prescribe; but it shall contain a statement showing the place of residence, post-office address, and qualifications of the applicant, both as to learning and moral character.

**3687 (3249). License must be recorded; effect of failure.**—Every person who receives a license to practice medicine must file it in the office of the clerk of the circuit court of the county in which he resides within sixty days from the date of its issuance; otherwise it shall become void. When the license is filed the clerk shall record the same, with his certificate of the filing thereto attached, in a suitable book to be kept in his office for that purpose, upon the payment by the licensee of the fee provided by law; and, when recorded, he shall deliver the original, on demand, to the licensee. Whenever the licensee

shall change the county of his residence and of usual practice, he must, under like penalty, file the original or a certified copy of the license, or of the record thereof, in the office of said clerk, in the county into which he shall move and practice, within sixty days of the time of such removal, to be there recorded in like manner and under like penalty.

**3688 (3250). Lost license may be supplied (Laws 1898, ch. 76).**—If a license to practice medicine be issued and be lost, or if the holder of a license fail to have the same recorded within sixty days as required by law, the State Board of Health may, in its discretion, issue a new license.

**3689 (3251). Temporary license.**—The Secretary of the State Board of Health may issue under his signature a temporary license to any one to practice medicine, which shall be valid until the next succeeding meeting of the Board for examining applicants; and such license shall show the date of its issuance, otherwise it shall be void. Only one temporary license shall ever be issued to the same person, and it shall always be made to an individual and not to a partnership. The Secretary shall be entitled to twenty-five cents for such license, and the same shall be recorded as a permanent license is required to be, under like penalty for failure.

“A physician who practices medicine in this state without a license cannot recover for professional services rendered a patient while so practicing, even though prior thereto he had had a temporary license and was prevented by sickness from obtaining a permanent one.” **Bohn v. Lowrey**, 77 Miss., 424, (27 So., 604.)

**3690 (3253). Females practicing midwifery.**—Females engaged in the practice of midwifery are not prohibited from such practice; but are entitled to engage therein without a license.

**3691. Practice of medicine defined (Laws 1896, ch. 68).**—The practice of medicine shall mean to suggest, recommend, prescribe, or direct for the use of any person, any drug, medicine, appliance or other agency, whether material, or not material, for the cure, relief, or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound



or fracture or other bodily injury or deformity, or the practice of obstetrics or midwifery, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift, profit or compensation; provided, that nothing in this section shall apply to females engaged solely in the practice of midwifery.

“A practitioner of osteopathy, who treats diseases only by manipulation of the patient’s limbs, muscles, ligaments and bones, does not practice medicine within the meaning of this section.” **Hayden v. State, 81 Miss., 291 (33 So., 635).**

**3692 (3254). Non-residents.**—Licensed physicians who reside without this state and whose practice of medicine extends into it, may obtain license to practice medicine in this state without being examined as to their learning, by presenting a written application for license, in the form prescribed, to the State Board of Health; whereupon the Secretary of the Board shall issue to the applicant a license in the name of the Board, for which the Secretary shall be entitled to receive a fee of twenty-five cents, and the license shall be recorded as hereinbefore provided in each county in which the licensee shall practice, with like penalty for a failure to record as in case of a resident physician. That non-resident physicians not holding license from the state shall not be permitted to practice medicine under any circumstances after remaining in the state five days, except when called in consultation by a licensed physician residing in this state, except as provided in section 3693.

**3693. License from another state recognized.**—The Board of Health may grant license to practice medicine without examination as to learning to graduates in medicine who hold license to practice medicine from another state, provided the requirements in such state are equal to those required by the State Board of Health of this State.

**3694 (3255). Books, blanks and stationery.**—The Board of Public Contracts shall furnish to the State Board of Health such books, blanks, and stationery as may be needed by it in carrying out the provisions of this chapter; and, at the request

of the State Board of Health, shall deliver to the Secretary of State such record-books as the clerks of the circuit court may need, in which to record licenses to practice medicine, to be by him promptly and safely transmitted at the cost of the state to such of said clerks as the Board of Health may designate.

**3695. Communications privileged.**—All communications made to a physician or surgeon by a patient under his charge or by one seeking professional advice, are hereby declared to be privileged, and such physician or surgeon shall not be required to disclose the same in any legal proceeding, except at the instance of the patient.

**3696. Osteopaths.**—Any person desiring to practice osteopathy in this state must first obtain a license from the State Board of Health by passing a satisfactory examination on anatomy, physiology, and hygiene only; provided, that graduates of a reputable college of osteopathy now engaged in that practice in this state shall not be examined as to learning, but they shall make satisfactory proof of such graduation and of good character, and pay a fee of twenty-five cents. License to practice osteopathy must be recorded as required by law for license to practice medicine, with like penalty on failure to so record.

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NOTE—Examinations for applicants for license to practice medicine in this state will be held at the capitol in the months of June and October in each year; two days being required for the examination.

W. W. SMITHSON, M. D.,  
Secretary.

